



Legislation Text

File #: Int 0460-2003, **Version:** *

Int. No. 460

By Council Members Clarke, Felder, Fidler, Seabrook and Stewart (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the department of correction and probation.

Be it enacted by the Council as follows:

Section 1. The title of chapter 25 of the New York city charter is amended to read as follows:

Department of correction and probation

§ 2. Section 621 of the New York city charter is amended to read as follows:

§ 621. Department; commissioner. There shall be a department of correction and probation, the head of which shall be the commissioner of correction and probation.

§ 3. The introductory paragraph of section 623 of the New York city charter is designated subdivision a and amended, and a new subdivision b of such section is added, to read as follows:

§ 623. Powers of commissioner.

[The] a. With respect to the correctional powers and duties of the agency, the commissioner shall have:

b. With respect to the probation functions of the agency, the commissioner shall discharge the powers and responsibilities of the agency that are set forth in section two hundred fifty-five of article twelve-A of the New York state executive law, and the agency shall continue to be subject to the provisions of article twelve-A of such law.

§ 4. Subdivision c of section 626 of the New York city charter is amended to read as follows:

c. The board, or by written designation of the board, any member of it, the executive director, or other employee, shall have the following powers and duties:

1. The inspection and visitation at any time of all institutions and facilities under the jurisdiction of the department relating to correctional powers and duties;
2. The inspection of all books, records, documents, and papers of the department relating to correctional powers and duties;
3. The preparation for submission to the mayor, the council, and the commissioner of proposals for capital planning and improvements with respect to the correctional powers and duties of the agency; studies and reports concerned with the development of the department's correctional program planning; and studies and reports in regard to methods of promoting closer cooperation of custodial, probation, and parole agencies of government and the courts; and
4. The evaluation of departmental performance with respect to the correctional powers and duties of the agency.

§ 5. Subdivision f of section 626 of the New York city charter is amended to read as follows:

f. The board shall establish procedures for the hearing of grievances, complaints or requests for assistance (1) by or on behalf of any person held or confined under the jurisdiction of the department or (2) by any civilian or uniformed correctional employee of the department. The board, or by written designation, a member of the board or the executive director, may conduct hearings, or study or investigate any matter within its jurisdiction of the department, and the board may make recommendations and submit reports of its findings to the appropriate authorities.

§ 6. Subdivision g of section 626 of the New York city charter is amended to read as follows:

g. Within the scope of its authority relating to the correctional powers and duties of the agency pursuant to this section, the board may compel the attendance of witnesses, require the production of books, accounts, papers and other evidence, administer oaths, examine persons, and conduct public or private hearings, studies and investigations. The board may institute proceedings in a court of appropriate jurisdiction to enforce its subpoena power and other authority relating to the correctional powers and duties of the agency pursuant to this

section.

§ 7. Subdivision e of section 677 of the New York city charter, as amended by chapter 419 of the laws of 1987, is amended to read as follows:

e. participate with other city agencies in the development, implementation and maintenance of a juvenile justice information system, to include (i) an index of records of the Family Court and [Department] department of [Probation] correction and probation related to proceedings conducted pursuant to Article 3 of the Family Court Act, and (ii) other information, including but not limited to age, sex, race, date of birth, charges, dispositions, warrants, calendar information and case management data connected with such cases, such records to be made available to the Family Court, the [Probation Department] department of correction and probation, and an agency with which the child is placed or committed upon request, and otherwise to be kept confidential except as provided by law,

§ 8. Subdivision a of section 1057-a of the New York city charter, as amended by local law number 22 of the year 2002, is amended to read as follow:

a. Agency based voter registration. Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices are hereby designated as participating voter registration agencies: the administration for children's services, the city clerk, the civilian complaint review board, the commission on human rights, community boards, the department of small business services, the department of citywide administrative services, the department of consumer affairs, the department of correction and probation, the department of employment, the department of environmental protection, the department of finance, the department of health and mental hygiene, the department of homeless services, the department of housing preservation and development, the department of mental health, the department of parks and recreation, [the department of probation,] the taxi and limousine commission, the department of transportation and the department of youth and community development. Participating agencies shall include a

mandate in all new or renewed agreements with those subcontractors having regular contact with the public in the daily administration of their business to follow the guidelines of this section. Such participating agencies shall be required to offer voter registration forms to all persons together with written applications for services, renewal or recertification for services and change of address relating to such services; provided however that this section shall not apply to services that must be provided to prevent actual or potential danger to the life, health, or safety of any individual or of the public. Such agencies may provide assistance to applicants in completing voter registration forms, if so requested. Such agencies may also, in their discretion, receive and transmit the completed application form from any applicants who wish to have such form transmitted to the board of elections for the city of New York.

§ 9. Subdivision a of section 1069 of the New York city charter, as amended by local law number 22 of the year 2002, is amended to read as follows:

a. Pursuant to the provisions of this section, each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of the public health insurance program options pamphlet published by the department of health and mental hygiene pursuant to section 17-183 of the administrative code of the city of New York. The following offices are hereby designated as participating agencies: the administration for children's services, the board of education, the city clerk, the commission on human rights, the department for the aging, the department of correction and probation, the department of employment, the department of homeless services, the department of housing preservation and development, the department of juvenile justice, the department of health and mental hygiene, [the department of probation,] the department of social services/human resources administration, the taxi and limousine commission, the department of youth and community development, the office to combat domestic violence, and the office of immigrant affairs; provided, however, that the department of health and mental hygiene, as it deems appropriate, may designate additional agencies to be participating agencies.

§ 10. Paragraph 1 of subdivision a of section 3-111 of the administrative code of the city of New York,

as amended by local law number 22 of the year 2002, is amended to read as follows:

1. The mayor shall appoint a drug enforcement and drug abuse task force which shall be chaired by the criminal justice coordinator and shall consist of, but not be limited to, representatives of the police department; human resource administration; department of health and mental hygiene; department of correction and probation; department of housing preservation and development; department of finance; [department of probation;] and the criminal justice coordinator.

§ 11. Section 3-402 of the administrative code of the city of New York, as amended by local law number 27 of the year 1998, is amended to read as follows:

§ 3-402 Awards to surviving spouses and domestic partners of members of the uniformed correctional and sanitation forces. The mayor is hereby authorized and empowered to make an award to the surviving spouse or domestic partner of a member of the uniformed correctional force or the uniformed sanitation force, employed by the department of correction and probation in any prison or jail under control of the city, or any county within the city, or employed by the department of sanitation, who has been or hereafter shall be killed while engaged in the discharge of duty. Such award shall be fixed in the discretion of the mayor. In case there be no surviving spouse or domestic partner surviving the decedent, such award shall be made to the minor child or children surviving the decedent. Such award shall be paid in one payment as soon after the death of such member of the uniformed correctional or sanitation force as may be possible and shall be in addition to any pension, award or other allowance authorized by law.

§ 12. The title of chapter 1 of title 9 of the administrative code of the city of New York is amended to read as follows:

CHAPTER 1. DEPARTMENT OF CORRECTION AND PROBATION

§ 13. Section 9-101 of the administrative code of the city of New York is amended to read as follows:

§ 9-101 City correctional institutions. The commissioner of correction and probation may designate any institution or part thereof under the jurisdiction of the commissioner for the safekeeping of persons

committed to the department of correction and probation. The commissioner may also designate any institution or part thereof under his or her jurisdiction for the safekeeping of female prisoners only. Officers charged with the transportation of persons committed to the department of correction and probation shall deliver them to the institution or part thereof as may be directed by the commissioner.

§ 14. Section 9-102 of the administrative code of the city of New York is amended to read as follows:

§ 9-102 Buildings for common jails. The [board of estimate by resolution] mayor may designate from time to time any building or buildings within the city to be the common jails of such city or of any of the counties therein. The building or buildings so designated shall be such common jails until changed by [a like resolution of such board] the mayor.

§ 15. Section 9-103 of the administrative code of the city of New York is amended to read as follows:

§ 9-103 Segregation of prisoners on Hart's Island. The lands and buildings on Hart's Island [shall] may be utilized for the segregation of prisoners transferred thereto by the commissioner of correction and probation.

§ 16. Section 9-104 of the administrative code of the city of New York is amended to read as follows:

§ 9-104 Transfer of inmates by commissioner of correction and probation.

The commissioner of correction and probation shall have power to transfer prisoners from any prison or correctional institution under his or her control to any other prison or correctional institution under the jurisdiction of the department.

§ 17. Section 9-105 of the administrative code of the city of New York is amended to read as follows:

§ 9-105 Commitment of witnesses in criminal proceedings. The commissioner of correction and probation shall have authority concerning the care and custody of witnesses in criminal proceedings committed to the institutions under the commissioner's charge. Upon the recommendation of the district attorney, the commissioner of correction and probation may transfer such witnesses from one institution under the commissioner's charge to another such institution.

§ 18. Section 9-107 of the administrative code of the city of New York is amended to read as follows:

§ 9-107 Narcotics treatment program.

a. The commissioner of correction and probation shall establish a program for the treatment of incarcerated heroin addicts through the use of methadone hydrochloric therapy. The program shall be available on a voluntary basis only to such inmates as apply, subject to a medical evaluation, before acceptance, of their need for such treatment.

b. [The] In the case of inmates who are placed on probation supervision after a period of incarceration, the commissioner of correction and probation shall provide for the continuance of such treatment by establishing [parole] monitoring procedures and after-care evaluation and implementation [after the incarceration has terminated, during the period of parole].

§ 19. Section 9-109 of the administrative code of the city of New York is amended to read as follows:

§ 9-109 Classification. The commissioner of correction and probation shall so far as practicable classify all felons, misdemeanants and violators of local laws under the commissioner's charge, so that the youthful or less hardened offenders shall be segregated from the older or more hardened offenders. The commissioner of correction and probation may set apart one or more of the penal institutions for the custody of such youthful or less hardened offenders, and he or she is empowered to transfer such offenders thereto from any penal institution of the city. The commissioner of correction and probation is empowered to classify the transferred inmates, so far as practicable, with regard to age, nature or offense, or other fact, and to separate or group such offenders according to such classification.

§ 20. Section 9-110 of the administrative code of the city of New York is amended to read as follows:

§ 9-110 Instruction. The commissioner of correction and probation may establish and maintain schools or classes for the instruction and training of the inmates of any institution under the commissioner's charge.

§ 21. Section 9-111 of the administrative code of the city of New York is amended to read as follows:

§ 9-111 Libraries.

a. The commissioner of correction and probation is empowered to set aside in the city prison a

sufficient space for the purposes of installing a library for the inmates. The commissioner of correction and probation may do likewise in any other place in which persons are held for infractions of the law pending a determination by a court.

b. The commissioner of correction and probation is authorized to accept contributions of books, pamphlets and periodicals. All such contributions shall be recorded and catalogued; an account thereof shall be kept and a report concerning the same shall be made to the commissioner of correction and probation at least once in each calendar year.

§ 22. Section 9-113 of the administrative code of the city of New York is amended to read as follows:

§ 9-113 Resignation by members of the uniformed force of the department of correction and probation who perform correctional duties. Absence, without leave and without an explanation, of any member of the force for five consecutive work days shall be deemed and held to be a resignation, and the member so absent shall, at the expiration of such period, cease to be a member of the force and be dismissed therefrom.

§ 23. Section 9-114 of the administrative code of the city of New York is amended to read as follows:

§ 9-114 Discipline of inmates. a. Officers in any institution in the department of correction and probation shall use all suitable means to defend themselves, to enforce discipline, and to secure the persons of inmates who shall:

1. Neglect or refuse to perform the work assigned by the officer in charge of the institution.
2. Wilfully violate the rules and regulations established by the commissioner of correction and probation.
3. Resist or disobey any lawful command.
4. Offer violence to any officer or to any other prisoner.
5. Injure or attempt to injure any such institution or the appurtenances thereof or any property therein.
6. Attempt to escape.
7. Combine with any one or more persons for any of the aforesaid purposes.

b. The officers in any institution of the department of correction and probation shall not inflict any blows upon a prisoner except in self-defense or to suppress a revolt or insurrection.

§ 24. Subdivisions b, c, e and f of section 9-116 of the administrative code of the city of New York are amended to read as follows:

b. The commissioner of correction and probation or other officer or officers having the management, control or direction of the department of correction and probation shall divide all the custodial officers in each employee classification into three platoons at each institution. No one of such platoons nor any member thereof shall be assigned to more than one tour of duty, to consist of not more than ten consecutive hours in each consecutive twenty-four hours, excepting only that in the event of riots, prison breaks or other similar emergencies, so many of said platoons or of the members thereof as may be necessary, may be continued on duty for such hours as may be necessary. For the purpose of changing tours of duty and for the necessary time consumed therein, said platoons or members thereof shall be continued on duty until relieved.

c. Tours of duty shall commence at midnight, eight o'clock ante meridian and four o'clock post meridian of each consecutive twenty-four hours. Such tours of duty shall hereinafter be designated as normal tours of duty. At the discretion of the warden or other officer or officers in charge of an institution, other tours of duty may be created. Such tours of duty shall hereinafter be designated as miscellaneous tours of duty. Within each complete working cycle at each institution, every custodial officer in the same employee classification shall be assigned to the same number of each of the normal tours of duty. For the purpose of such assignment of normal tours of duty as hereinbefore prescribed, miscellaneous tours of duty which commence at or after seven o'clock ante meridian and at or before eleven o'clock ante meridian shall be considered to be a part of that normal tour of duty which commences at eight o'clock ante meridian; miscellaneous tours of duty which commence after eleven o'clock ante meridian and before eight o'clock post meridian shall be considered to be a part of that normal tour of duty which commences at four o'clock post meridian; miscellaneous tours of duty which commence at or after eight o'clock post meridian and before seven o'clock ante meridian shall be considered to

be a part of that normal tour of duty which commences at midnight. All normal tours of duty which commence at midnight or at four o'clock post meridian, and all miscellaneous tours of duty which shall be considered a part of these normal tours of duty as hereinbefore prescribed, shall be changed at least once in every calendar month. Every member of each platoon shall be entitled to at least one calendar day of rest upon the completion of every six tours of duty. This day of rest shall not be deferred longer than one calendar week after such member has become entitled thereto. None of the foregoing provisions of this section shall apply to or govern the rotation of tours of duty of custodial officers who may be detailed or assigned to an institution wherein no inmates are detained overnight. Where in any single institution the total number of custodial officers in any single employee classification is less than four in number, none of the foregoing provisions of this section shall apply to or govern the rotation of tours of duty of members of such employee classification in said institution. None of the foregoing provisions of this section shall apply to or govern the rotation of tours of duty of custodial officers who may be detailed or assigned to what shall hereinafter be known and designated as the special duty squad at each institution, provided, however, that the number of custodial officers detailed or assigned to a special duty squad at any single institution may not exceed twenty-five per centum of the total number of custodial officers employed at the said institution; provided, however, that custodial officers detailed or assigned to special duty squads may be assigned only to that normal tour of duty commencing at eight o'clock ante meridian, or to miscellaneous tours of duty constituting a part of such normal tour of duty; and provided further, however, that throughout the department of correction and probation the total number of custodial officers detailed or assigned to steady tours of duty, whether as members of special duty squads or otherwise, shall not exceed fifteen per centum of the total number of custodial officers employed in the department of correction.

e. Any commissioner or other officer or officers having the management, control or direction of the department of correction and probation, or any institution thereof, who shall fail, after August eleventh, nineteen hundred thirty-nine, to install a system of rotating tours of duty as hereinbefore prescribed in this

section, shall be deemed to have forfeited his or her office and, upon the written petition of any citizen of the city, must be removed therefrom by the supreme court of any judicial district within which such city is contained. A copy of such petition must be served upon the commissioner or officer accused and such person shall have the right to appear and to give evidence and to be heard in his or her defense. Any commissioner or other officer or officers having the management, control or direction of the department of correction and probation and any warden, acting warden or custodial officer who shall violate any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished as prescribed by law.

f. All general or specific laws inconsistent with this section or with any part thereof are hereby repealed; provided, however, that this section shall in no manner affect any provisions of said law concerning furlough or leave of absence or exempting members of the department of correction and probation from obligation to wear uniform when not on actual duty.

§ 25. Section 9-117 of the administrative code of the city of New York is amended to read as follows:

§ 9-117 Composition of uniformed force of department of correction and probation; uniforms.

a. [The] Members of the uniformed force of the department of correction and probation who perform correctional duties shall consist of the following ranks:

1. Correction officers.
2. Captains.
3. Assistant deputy wardens.
4. Deputy wardens.
5. Wardens.

b. The composition of the uniformed force as established by this section shall be altered only by the creation therein of new positions or ranks the appointments to which shall be made only from a list promulgated as the result of a promotion examination. In such examination only members of the uniformed force shall be eligible to compete. The duty of maintaining the custody and supervision of persons detained or

confined by the department of correction and probation shall be performed solely by members of the uniformed force and shall not be delegated, transferred or assigned in whole or in part to private persons or entities.

c. The uniforms to be worn by the members of the force shall be prescribed by the commissioner of correction and probation.

§ 26. Subdivision a of section 9-117.1 of the administrative code of the city of New York, as added by local law number 98 of the year 1989, is amended to read as follows:

a. A correction officer of the department of correction and probation shall be entitled pursuant to this section to the full amount of his or her regular salary for the period of any incapacity due to illness or injury incurred in the performance and discharge of duty as a correction officer, as determined by the department.

§ 27. Subdivisions a, c and d of section 9-118 of the administrative code of the city of New York are amended to read as follows:

a. The commissioner of correction and probation may establish a commissary in any institution under the commissioner's jurisdiction for the use and benefit of the inmates and employees thereof. All moneys received from the sales of such commissaries shall be paid over semi-monthly to the commissioner of finance without deduction. Except as otherwise provided in this subdivision, the provisions of section 12-114 of the code shall apply to every officer or employee who receives such moneys in the performance of his or her duties in any such commissary. The accounts of the commissaries shall be subject to supervision, examination and audit by the comptroller and all other powers of the comptroller in accordance with the provisions of the charter and code.

c. Any surplus remaining in the commissary fund after deducting all items described in subdivision b hereof shall be used for the general welfare of the inmates of the institutions under the jurisdiction of the department of correction and probation. In the event such fund at any time exceeds one hundred thousand dollars, the excess shall be transferred to the general fund.

d. All expenditures for items described in paragraph one of subdivision b of this section shall be made

upon vouchers issued by the commissioner of correction and probation and subject to audit by the comptroller. All other expenditures described in subdivision b and subdivision c of this section shall be made by the commissioner in accordance with schedules approved by the mayor or of the director of the budget acting in accordance with a delegation of power from the mayor. All supplies, materials, equipment and merchandise to be furnished and all work or labor to be done, the cost of which is payable from the commissary fund, shall be furnished or provided in accordance with the provisions of chapter one of title six of the charter and of the code.

§ 28. Section 9-119 of the administrative code of the city of New York is amended to read as follows:

§ 9-119 Requisitions. The chief officer of any institution under the charge of the commissioner of correction and probation shall make his or her requisitions in writing upon the commissioner for all articles such officer deems necessary to be used in such institution. Such officer shall keep an accurate account thereof.

§ 29. Section 9-120 of the administrative code of the city of New York is amended to read as follows:

§ 9-120 Reports of subordinate officers.

The chief officer of any institution under the charge of the commissioner of correction and probation shall report once in each week to the commissioner of correction and probation. Such report shall set forth:

1. The number of persons who have been received, discharged or transferred.
2. The number who have become sick or who have died.
3. The number remaining in the institution under the charge of such chief officer.
4. The discipline which has been maintained.
5. The quantity and kind of labor performed.
6. Such other information as the commissioner of correction and probation requires.

§ 30. Section 9-121 of the administrative code of the city of New York is amended to read as follows:

§ 9-121 Records of inmates of institutions.

The commissioner of correction and probation shall keep and preserve a proper record of all persons who shall

come under the commissioner's care or custody in the city's correctional facilities, and of the disposition of each, with full particulars as to the name, age, sex, [color] race, nativity and religious faith, together with a statement of the cause and length of detention. Except as otherwise provided by law, the records kept pursuant to this section shall be public and shall be open to public inspection.

§ 31. Section § 9-122 of the administrative code of the city of New York is amended to read as follows:

§ 9-122 Labor of prisoners in other agencies; correction officers. A correction officer or correction officers from the department of correction and probation shall at all times direct and guard all inmates of any of the institutions in the department of correction and probation who are performing work for any other agency.

§ 32. Section 9-123 of the administrative code of the city of New York is amended to read as follows:

§ 9-123 Cultivation of land. The commissioner of correction and probation may use for agricultural purposes all the lands under his or her jurisdiction which are capable of cultivation and which are not otherwise occupied or utilized.

§ 33. Section 9-124 of the administrative code of the city of New York is amended to read as follows:

§ 9-124 Manufacturing fund. The establishment of a fund to be known as "manufacturing fund, department of correction and probation," is authorized. The comptroller is directed to place in such fund all moneys received or realized through the sale of articles manufactured by the department of correction and probation. The comptroller is authorized to charge against such fund any voucher received from the department of correction and probation for the purchase of materials, supplies, equipment, repairs, replacements and royalties on manufacturing industry machines to be used in its manufacturing industries. The comptroller is further directed to transfer to the general fund of the city at the end of each calendar year any sums remaining in such manufacturing fund in excess of seventy-five thousand dollars of the unencumbered balance.

§ 34. Section 9-125 of the administrative code of the city of New York is amended to read as follows:

§ 9-125 Civil jail.

a. The commissioner of correction and probation shall have custody of civil prisoners and the prisons

wherein they are confined.

b. The commissioner of correction and probation may keep in any place or places under the commissioner's jurisdiction persons lawfully committed to his or her custody without regard to the county wherein such persons may have been arrested. Any such person who is entitled to the liberties of the jail must be admitted to the jail liberties of the county wherein such person was originally arrested.

§ 35. Section 9-126 of the administrative code of the city of New York is amended to read as follows:

§ 9-126 Jurisdiction of commissioner of correction and probation over civil prisoners. Any part of the institutions under the jurisdiction of the commissioner of correction and probation which shall be set aside for the accommodation of prisoners detained by civil process shall be under the control of such commissioner of correction and probation.

§ 36. Subdivision e of section 11-4021 of the administrative code of the city of New York is amended to read as follows:

(e) In the alternative, if the commissioner of finance concludes that any cigarettes seized pursuant to this section, when offered at public sale, will bring a price less than the reasonably estimated price which the department of correction and probation would have to pay for the purchase of such cigarettes for sale to or use by inmates in institutions under the jurisdiction of such department, the commissioner of finance may dispose of such cigarettes by transferring them to the department of correction and probation for sale to or use by inmates in such institutions.

§ 37. Subdivision f of section 13-194 of the administrative code of the city of New York, as added by chapter 255 of the laws of 2000, is amended to read as follows:

(f) "Correction officer". A member of the uniformed force of the New York city department of correction and probation who is a member of the retirement system (as defined in subdivision one of section 13-101 of this chapter).

§ 38. Paragraph 9 of subdivision a of section 16-316 of the administrative code of the city of New York,

as added by local law number 19 of the year 1989, is amended to read as follows:

9. proposals developed in consultation with the board of education, the department of correction and probation, health and hospitals corporation and other appropriate entities to separate, collect and recycle materials that are discarded at schools, jails, hospitals and other similar institutions throughout the city;

§ 39. Section 21-110 of the administrative code of the city of New York is amended to read as follows:

§ 21-110 Potter's field. The commissioner shall have charge of the Potter's Fields, and when the necessity therefor shall arise, shall have power to lay out additional Potter's Fields or other public burial places for the poor and strangers and from time to time enclose and extend the same to make enclosures therein and to build vaults therein, and to provide all necessary labor and for interments therein. The Potter's Field on Hart's island, however, shall remain under the control of the department of correction and probation, and the burial of deceased paupers therein shall continue under rules and regulations established by the joint action of the departments of social services and correction and probation, or in case of disagreement between such departments, under such regulations as may be established by the mayor.

§ 40. Any agency or officer to which are assigned by or pursuant to this local law any functions, powers and duties shall exercise such functions, powers and duties in continuation of their exercise by the agency or officer by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agency or officer by which such functions, powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such functions, powers or duties, and applicable to the agency or officer formerly exercising the same shall, so far as not inconsistent with the provisions of this local law, apply to the agency or officer to which such functions, powers and duties are assigned by or pursuant to this local law.

§ 41. Any rule or regulation in force on the effective date of this local law, and promulgated by an agency or officer whose power to promulgate such type of rule or regulation is assigned by or pursuant to this local law to some other agency or officer, shall continue in force as the rule or regulation of the agency or

officer to whom such power is assigned, except as such other agency or officer may hereafter duly amend, supersede or repeal such rule or regulation.

§ 42. If any of the functions, powers or duties of any agency or part thereof is by or pursuant to this local law assigned to another agency, all records, property and equipment relating to such transferred function, power or duty shall be transferred and delivered to the agency to which such function, power or duty is so assigned.

§ 43. No existing right or remedy of any character accruing to the city shall be lost or impaired or affected by reason of the adoption of this local law.

§ 44. No action or proceeding, civil or criminal, pending at the time when this local law shall take effect, brought by or against the city or any agency or officer, shall be affected or abated by the adoption of this local law or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer party thereto may by or pursuant to this local law be assigned or transferred to another agency or officer, but in that event the same may be prosecuted or defended by the head of the agency or the officer to which such functions, powers and duties have been assigned or transferred by or pursuant to this local law.

§ 45. Whenever by or pursuant to any provision of this local law, functions, powers or duties may be assigned to any agency or officer which have been heretofore exercised by any other agency or officer, officers and employees in the classified city civil service who are engaged in the performance of such functions, powers or duties may be transferred to the agency to which such functions, powers or duties may be assigned by or pursuant to this local law.

§ 46. Any license, permit or other authorization in force on the effective date of this local law, and issued by an agency, where the power of such agency to issue such license, permit or authorization is assigned by or pursuant to this local law to another agency or officer, shall continue in force as the license, permit or authorization of such other agency or officer, except as such license, permit or authorization may expire or be altered, suspended or revoked by the appropriate agency or office pursuant to

law. Such license, permit or authorization shall be renewable in accordance with the applicable law by the agency or officer with such power pursuant to law, including this local law.

§ 47. The provisions of this local law shall be severable and if any phrase, clause, sentence, paragraph, subdivision or section of this local law, or the applicability thereof to any person or circumstance, shall be held invalid, the remainder of this local law and the application thereof shall not be affected thereby.

§ 48. This local law shall take effect 60 days after its enactment into law.